

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

INFINITY COMPUTER PRODUCTS, INC. :	CIVIL ACTION
<i>Plaintiff</i> :	
:	NO. 12-6796
<i>v.</i> :	(lead case)
:	
TOSHIBA AMERICA BUSINESS SOLUTIONS, INC. :	
<i>Defendant</i> :	

**O R D E R**

AND NOW, this 22<sup>nd</sup> day of February 2019, upon consideration of *Defendants' motion for partial summary judgment on pre-issuance damages and absolute intervening rights*, [ECF 70], Plaintiff's opposition thereto, [ECF 79], Defendants' reply, [ECF 80], and Plaintiff's sur-reply, [ECF 84], it is hereby **ORDERED** that, for the reasons set forth in the accompanying Memorandum Opinion, Defendants' motion for partial summary judgment is **GRANTED**. Accordingly, the damages Plaintiff may obtain in this matter are subject to the pre-issuance damages and absolute intervening rights protections provided by 35 U.S.C. §252.

**BY THE COURT:**

*/s/ Nitzia I. Quiñones Alejandro*  

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NITZA I. QUIÑONES ALEJANDRO  
*Judge, United States District Court*